

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

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In re:

MICHAEL P. D’ALESSIO,

Chapter 7

Case No.: 18-22552 (RDD)

Debtor.

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**ORDER AUTHORIZING CITY IRONSMITH CORP. TO ISSUE A
SUBPOENA PURSUANT TO RULE 2004 OF THE FEDERAL RULES
OF BANKRUPTCY PROCEDURE COMPELLING THE EXAMINATION OF
MICHAEL P. D’ALESSIO AND PRODUCTION OF DOCUMENTS**

Upon the application, dated August 20, 2018 (the “Application”), of City Ironsmith Corp. (the “Movant”) pursuant to Fed. R. Bankr. P. 2004 for an order authorizing the Movant to issue subpoenas under Fed. R. Bankr. P. 2004(c) for the production of documents and to examine Michael P. D’Alessio (the “Witness”) as more fully set forth in the Application; and this Court having jurisdiction in accordance with 28 U.S.C. §§ 157(a)-(b) and 1334(b) to decide the Application; and consideration of the Application being a core proceeding pursuant to 28 U.S.C. § 157(b); and venue being proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409; and, after due deliberation this Court having determined that the Application establishes sufficient cause for the relief granted herein; and no additional notice or hearing being required except for the notice set forth herein; now, therefore, it is hereby

ORDERED, that the Application is granted on the terms set forth herein; and it is further

ORDERED, that the Movant is authorized under Fed. R. Bankr. P. 2004(c) and 9016, to issue such subpoenas as may be necessary to compel (a) the production of “Documents” in the Witness’s possession, custody or control, including electronically stored information, as set forth in Schedule A hereto, and (b) the attendance and testimony of the Witness to the extent provided in Fed. R. Bankr. P. 2004(b) (each, a “Subpoena”); and it is further

ORDERED, that unless otherwise agreed by the Movant, the Witness shall have fourteen (14) days from the service of a Subpoena compelling the production of Documents to produce the Documents sought therein and shall have twenty-one (21) days from the service of a Subpoena to appear for oral examination, under oath, as required therein, in each case at the offices of Movant's counsel or such other location as agreed by the Movant and the Witness; and it is further

ORDERED, that the foregoing is subject to the assertion of any applicable privilege; provided, that, unless otherwise agreed by the Movant, if the Witness withholds any Documents from production based upon a claim of privilege, the Witness is directed to provide counsel for the Movant with a privilege log containing the information required under Fed. R. Bankr. P. 7026 and S.D.N.Y. L.B.R. 7026-1 at the time and place of Document production required hereby; and it is further

ORDERED, that nothing herein shall limit the rights of the Witness under applicable law to object to or oppose any Subpoena that the Movant may serve upon the Witness; and it is further

ORDERED, that in accordance with Bankruptcy Rules 2004 and 9016, (i) the Clerk of this Court shall issue subpoenas, signed, but otherwise in-blank, as requested by the Movant, or (ii) provided that counsel for the Movant is authorized to practice in this Court, counsel may issue and sign the Subpoenas; and it is further

ORDERED, that the Movant shall file with the Court an affidavit or declaration of service for each Subpoena that Movant serves; and it is further

ORDERED, that this Order is without prejudice to the Movant's right to file further applications seeking additional documents and testimony pursuant to Fed. R. Bankr. P. 2004 or any other applicable law; and it is further

ORDERED, that the Movant shall make reasonable efforts to coordinate the examination of the Witness directed hereby with any roughly contemporaneous oral examination known to be scheduled in this case by the chapter 7 trustee or any third parties; and it is further

ORDERED, that this Court shall retain jurisdiction to resolve any disputes arising or related to this Order, including any discovery disputes that may arise between or among the parties and to interpret, implement and enforce the provisions of this Order.

Dated: White Plains, New York
August 31, 2018

/s/Robert D. Drain
United State Bankruptcy Judge